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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/695,146	10/28/2003	Kevin J. Kollar	KNA01 P-106A	6448
28101	7590	12/20/2004	EXAMINER	
VAN DYKE, GARDNER, LINN AND BURKHART, LLP 2851 CHARLEVOIX DRIVE, S.E. P.O. BOX 888695 GRAND RAPIDS, MI 49588-8695			MARSH, STEVEN M	
			ART UNIT	PAPER NUMBER
			3632	

DATE MAILED: 12/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/695,146

Applicant(s)

KOLLAR ET AL.

Examiner

Steven M Marsh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10282003.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

This is the first office action for U.S. Application 10/695,146 for an Adjustable Support for Data Entry/Interface Device for Computers or the Like filed by Kevin J. Kollar et al. on October 28, 2003.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 1, 6, and 24 the phrase "or the like" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "or the like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d). Regarding claims 1, 6, and 24, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 5,791,263 to Watt et al. Watt et al. discloses an adjustable support assembly for attachment to a work surface, with a data entry/interface mount (12) for engaging and supporting a data entry/interface device for computers. There is a work surface mount (14), and a linkage assembly (16) for adjustably connecting the data entry/interface device to the work surface mount. There is an adjustment assembly for adjusting the height and angular tilt positions of the data entry/interface mount on the linkage assembly with respect to the work surface mount. The adjustment assembly has a pair of actuator handles (64a and 110) with corresponding release assemblies to adjust the height and angular tilt of the data entry/interface mount. The handles are mounted in close proximity to one another such that a user of the support assembly can engage and move one of the handles with one hand for adjustment of the height and angular tilt of the data entry/interface mount as desired. One of the actuator handles is connected to its respective release by a flexible, movable cable (116) and there is a movable clamp (100) connected to the cable, whereby movement of the one actuator handle causes movement of the clamp and release of the release assembly.

Claims 24-26 and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 6,279,859 B2 to West et al. West et al. discloses an adjustable support assembly with a data entry/interface mount (21) for engaging and supporting a data entry/interface device for computers. There is a work surface mount (11) adapted to be coupled to a work surface, and a linkage assembly (15 and 24) having one end coupled

to the work surface mount and an opposite end coupled to the data entry/interface mount. There is a first adjustment member (82) with an axis of elongation that is coupled to the data entry/interface mount and is adapted to move with the mount upon movement thereof. There is a first clamp member mounted on the linkage assembly (via 72) and the first adjustment member is received in a clamp opening. The first clamp member has a clamped position in which the first clamp member is in clamped engagement with the first adjustment member and a release position shifted from the clamped position, in which the first adjustment is moveable relative to the first clamp member. There is a first actuator assembly (84 via 82) coupled to the first clamp member to selectively shift the clamp member between the clamped position and release position. The first actuator assembly includes a pivotable first handle (84) and a first flexible, movable cable (82) coupled between the first handle and the first clamp member. There is at least one spring (64) for urging the first handle, first cable, and first clamp member toward the clamped position and there is also a spring (136) that extends between the first handle and data entry/interface mount.

Allowable Subject Matter

Claims 6-23 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action. Claims 4 and 27 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims. The following is a statement of

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reasons for the indication of allowable subject matter: The prior art does not disclose an adjustable support assembly for attachment to a work surface, whereby the support assembly comprises: a data/interface mount for engaging and supporting a data entry/interface device for computers; a work surface mount for attachment to a work surface; a linkage assembly for adjustably connecting the data entry/interface mount to the work surface mount; an adjustment assembly for adjusting the height and angular tilt positions of the data entry/interface mount on the linkage assembly with respect to the work surface mount, the adjustment assembly including a pair of actuator handles mounted on the data entry/interface mount, and a pair of release assemblies also mounted on the data entry/interface mount, one handle movable for operation of one of the release assemblies to adjust the height of the data entry/interface mount, the other handle movable for operation of the other release assembly to adjust the angular tilt of the data entry/interface mount; whereby the actuator handles are mounted in close proximity to one another such that a user of the support assembly can engage and move one or both of the handles with one hand for adjustment of one or both of the height and the angular tilt of the data entry/interface mount as desired; and wherein each of the actuator handles is connected to its respective release assembly by a flexible, movable cable.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 4,776,284 to McIntosh

U.S. Patent 6,098,935 to Kaplan et al.

U.S. Patent 6,343,775 B1 to Jones et al.

U.S. Patent 6,186,460 B1 to Lin

U.S. Patent 5,967,479 to Sweere et al.

U.S. Patent 5,878,674 to Allan

U.S. Patent 5,881,984 to Lin

U.S. Patent 5,145,136 to McConnell

The above patents disclose adjustable support apparatus for keyboards and data entry devices.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Marsh whose telephone number is (703) 305-0098. The examiner can normally be reached on Monday-Friday from 8:00AM to 4:30 PM. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Slm

Steven M. Marsh

December 11, 2004



LESLIE A. BRAUN
SUPERVISORY PATENT EXAMINER